

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**WINIFRED MACHEDA and RICHARD MACHEDA,**

**Plaintiffs,**

**-v-**

**5:04-CV-325**

**HOUSEHOLD FINANCE REALTY CORPORATION  
OF NEW YORK,**

**Defendant.**

\*\*\*\*\*  
**APPEARANCES:**

**RONALD L. VAN NORSTRAND, ESQ.**

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201 East Jefferson Street  
Syracuse, New York 13202  
Attorney for Plaintiffs

**PHILLIPS LYTTLE LLP**

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Attorneys for Defendant

**Hon. Norman A. Mordue, Chief U.S. District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Defendant moves (Dkt. No. 62) for reconsideration of this Court's June 26, 2008 Memorandum-Decision and Order (Dkt. No. 62) deciding defendant's motion for summary judgment (Dkt. No. 45) and plaintiffs' motion for partial summary judgment (Dkt. No. 48). Defendant complains that the Court overlooked certain aspects of its summary judgment motion.

The Court's June 26, 2008 decision did not discuss plaintiffs' second cause of action seeking relief under New York General Business Law § 349(h), nor did it discuss every issue bearing on the loan amount and "points and fees" calculation. Rather, on reviewing the entire

record and considering all issues, the Court determined that defendant was not entitled to summary judgment except to extent of establishing that plaintiffs are not entitled to rescind the portion of the loan that refinanced their previous loan with defendant. In its Memorandum-Decision and Order, the Court discussed those issues it viewed as most important in resolving the motions, and dealt with the others by stating: "The other issues raised by the parties do not warrant summary judgment."

Defendants make no showing of an intervening change in controlling law, the availability of previously unavailable evidence, or the need to correct a clear error of law or prevent manifest injustice, *see Doe v. New York City Dep't of Soc. Servs.*, 709 F.2d 782, 789 (2d Cir. 1983), nor is there any other basis for reconsideration. Reconsideration is denied.

It is therefore

ORDERED that defendant's motion (Dkt. No. 62) for reconsideration of this Court's June 26, 2008 Memorandum-Decision and Order (Dkt. No. 61) is denied.

IT IS SO ORDERED

July 18, 2008  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge